IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 36597 of 2007(F)

PETITIONER:

ABDUL HAKEEM, S/O.KATTUVA SAHIB,
AGED 25 YEARS, HASEENA MANZIL, PATTANI STREET,
THATHAMANGALAM, PALAKKAD.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT,
TRIVANDRUM.

2. THE DEPUTY COMMISSIONER,
COMMERCIAL TAXES, KOZHIKODE.

3. THE INTELLIGENCE OFFICER,
SQUAD NO.III, COMMERCIAL TAXES, KOZHIKODE.

4. THE TAHSILDAR (REVENUE RECOVERY),
CHITTUR, PALAKKAD.

BY GOVERNMENT PLEADER SRI.GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 36597 OF 2007 F
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Dated this the 11th day of December, 2007

J U D G M E N T

Aggrieved by Ext.P1 order of penalty, petitioner has filed Ext.P3 revision that is pending consideration before the 2nd respondent. It is also submitted that the revision is now posted for hearing to 17/12/2007. In the meanwhile, revenue recovery action was initiated against the petitioner and Ext.P5 is the notice issued under the Revenue Recovery Act. Petitioner submits that out of the amount that was sought to be recovered, petitioner has already remitted Rs.35,000/-, which is evidenced by Ext.P6 series. Despite this, petitioner apprehends continuation of the revenue recovery proceedings and it is in these circumstances, the writ petition has been filed.

2. Since it is obvious that the revision is pending and is now posted to 17/12/2007, it is only proper that the 2nd respondent hears and dispose of the revision itself. Taking into account the remittance that the petitioner has made as per

Ext.P6 series, I direct that further continuance of recovery proceedings pursuant toExt.P5 be deferred. It is directed that the 2nd respondent shall pass final orders on Ext.P3 revision, as expeditiously as possible, at any rate within four weeks of production of a copy of this judgment.

3. Petitioner shall produce a copy of this judgment before the 2nd respondent for compliance.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp